IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 301 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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RAMBHAI ALIAS RAMARAO MOHANBHAI MARATHE

Versus

STATE OF GUJARAT

Appearance:

1. Special Criminal Application No. 301 of 2002

THROUGH JAIL for Petitioner No. 1

MR KOGJE, APP for Respondent No. 1

..... for Respondent No. 2

CORAM : MR.JUSTICE C.K.BUCH

Date of decision: 18/06/2002

ORAL JUDGEMENT

1. Rule. Service of rule is waived by ld. APP Mr. Kogje for the State. Matter is taken up for final hearing today.

2. This Spl.Criminal Application is moved by the convict through jail who has been held guilty and sentenced for the offences punishable under IPC at the conclusion of four different criminal cases viz. Criminal Case Nos. 1220/2001 to 1223/2001, by ld. Metropolitan Magistrate, Court No.5, Ahmedabad. Ld. Metropolitan, ordered the petitioner accused to undergo sentences imposed in all the four criminal cases consecutively and not concurrently. Against the said order, the petitioner preferred Criminal Revision Application No. 176/2001 before the ld. Addl. Sessions Judge, Court No.10, Ahmedabad, who also, vide his judgment dated 1.1.2002, partly allowed the said revision application, but ld. Addl. Sessions Judge also ordered sentences imposed in different criminal cases not to run concurrently but to run consecutively, rejecting the prayer of the petitioner to that effect.

3. The say of the petitioner is that ld. Magistrate as well as ld. Addl. Sessions Judge, Ahmedabad City ought to have ordered the substantive sentences awarded in all the four criminal cases to run concurrently. The petitioner in this petition has sought limited prayer seeking direction to order substantive sentence awarded on him in four different criminal cases, to run concurrently.

4. Having considered the contents of the application and facts and circumstances of the case, this Court is of the view that there is no merits in this petition. There is no scope to interfere with the orders passed by both the Courts below. Ld. Addl. Sessions Judge has considered relevant aspects and by placing reliance on the decision reported in 37(1) GLR P.423, partly allowed the Criminal Revision Application preferred by the petitioner against his conviction and sentence, but ordered that sentences awarded shall run consecutively and not concurrently. It is rightly observed by the ld. Addl.Sessions Judge that the sentences inflicted in different and separate offences must run consecutively and should not be directed to run concurrently. Referring to relevant provisions of CrPC and accepted proposition of law, Revision Application has been rightly rejected.

5. For the reasons aforesaid, there is no merits in this petition and the same is hereby dismissed. Rule is discharged.

18.6.2002 [C.K. BUCH, J]

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